

**WEATHERLY BOROUGH COUNCIL  
REGULAR MEETING  
March 29, 2021  
12:00 P.M.**

***UNAPPROVED***

The Regular Meeting of Weatherly Borough Council was held on March 29, 2021, at 12:00 p.m. in the Municipal Building.

Mayor Paul Hadzick called the meeting to order.

Council Members attending: Joseph Cyburt, Theresa D’Andrea, Harold Farrow, Joseph Thomas, Norman Richie, Paul J. Hadzick and those attending via speaker phone: Jeffery Miller.

Also attending: Borough Manager, Harold Pudliner; Borough Solicitor, James Nanovic; Borough Secretary, Lori O’Donnell; Police Chief Brian Markovchick; Journal Newspapers reporter, Seth Isenberg; and Edward Moyer (Live Streaming to Facebook).

**MINUTES:**

The minutes of the Regular Meeting of February 17, 2021, were approved on a motion by Norman Richie, seconded by Theresa D’Andrea, and approved by general acclaim of Council.

**TREASURER’S REPORT:**

The checking account balances as of February 28, 2021, totaled \$338,533.83.

The Treasurer’s Report was approved on a motion by Joseph Cyburt, seconded by Theresa D’Andrea and by roll call vote:

Harold Farrow	Yes	Joseph Cyburt	Yes
Joseph Thomas	Yes	Theresa D’Andrea	Yes
Jeffery Miller	Yes	Norman Richie	Yes
	Paul Hadzick	Yes	

**APPROVAL OF BILLS:**

The Manager provided a listing of the bills paid on February 25, March 4, March 11, March 18, March 25, and those to be paid on April 1, 2021, in the amount of \$470,428.46 and they were approved for payment on a motion by Harold Farrow, seconded by Norman Richie and on a roll call vote:

Joseph Thomas	Yes	Joseph Cyburt	Yes
Jeffery Miller	Yes	Harold Farrow	Yes
Theresa D’Andrea	Yes	Norman Richie	Yes
	Paul Hadzick	Yes	

**OTHER ITEMS OF CONCERN:**

**Concern for Parking on Carbon Street Emailed**

Mr. Pudliner stated that he received an email regarding the way cars are parking on Carbon Street in the block between First Street and East Main Street. Mr. Pudliner stated that he would look into getting parking lines painted in that block. Mr. Richie stated that he would like to have the whole street painted.

## **BUSINESS:**

### **1. Approve Low Bid for Steel Plant Wall Demolition.**

Mr. Pudliner stated that the Steel Plant wall demolition project was put out for bid via the \$750,000 grant the Borough has for the final phase of the environmental cleanup of the site. He received 4 bids. The bids received were as follows:

Umbriac Trucking	\$ 64,700.00
B T Adams	\$180,250.00
Linde	\$281,000.00
Brdaric Excavating	\$ 84,100.00

Mr. Pudliner advised Council that the low bid was reviewed by the engineers and is in order and that they needed to award the low bidder the contract.

A motion to award the low bid for the Steel Plant Wall Demolition to Umbriac Trucking was made by Joseph Cyburt, seconded by Harold Farrow and approved by a roll call vote:

Jeffery Miller	Yes	Norman Richie	Yes
Joseph Cyburt	Yes	Harold Farrow	Yes
Theresa D'Andrea	Yes	Joseph Thomas	Yes
	Paul Hadzick	Yes	

### **2. Request for Handicapped Parking on Second Street.**

Mr. Pudliner stated he received a request for a handicapped parking spot on Second Street from Calvin Walper, which would be only the second handicap spot on Second Street.

A motion to approve the handicap parking spot on Second Street was made by Theresa D'Andrea, seconded by Joseph Cyburt and approved by general acclaim of Council.

### **3. Request for Use of Borough Facilities and Roads for Charity Walk.**

Mr. Pudliner received a request to hold a charity walk for the Praying Ninja Warrior Foundation which raises funds for terminally ill children and their families. The walk would be held on May 15, 2021 with registration starting at 8:30 am at Eurana Park and the walk beginning at 10:00 am. The rain date for the walk is May 22, 2021.

A motion to approve the use of Borough facilities and roads for the charity walk was made by Joseph Thomas, seconded by Norman Richie and approved by general acclaim of Council.

### **4. Resolution to Close Out DCNR Grant.**

Mr. Pudliner stated that he received a grant in 2018 to pay for a feasibility study for the trail. It was with DCNR and also matched by the Commonwealth Finance Authority. This resolution closes the DCNR portion of the grant which was in the amount of \$30,000.00. He is currently working on closing the CFA portion of the matching grant in the amount of \$25,000.00.

A motion to approve the resolution to close out the DCNR grant was made by Joseph Cyburt, seconded by Joseph Thomas and approved by general acclaim of Council.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS  
GRANT PROJECT (BRC-TAG-21-178 (ME-1100359))**

**WHEREAS**, the Borough of Weatherly has prepared a Trail Feasibility Study for the Weatherly Trail Project and;

**WHEREAS**, the purpose of the plan is to create a trail from Weatherly Borough to the Lehigh Gorge State Park; and

**WHEREAS**, the Plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number BRC-TAG-21-178 (ME-1100359)

**NOW, THEREFORE, BE IT HEREBY RESOLVED by the Weatherly Borough Council that;**

- a. The project was completed in accordance with the Grant Agreement
- b. All project expenditures have been made and were in accordance with the Grant Agreement
- c. The plan and related materials are acceptable to the Department of Conservation and Natural Resources
- d. The Plan and related materials will be used to guide future recreation and conservation decisions.

**ADOPTED THIS 29<sup>TH</sup> DAY OF MARCH, 2021 by the Borough Council of Weatherly**

**5. Proclamation for “Purple Up Day”.**

Mr. Pudliner stated that he received a request from the Legion Auxiliary for a proclamation for the “Purple Up Day” that will be held on April 15, 2021.

A motion to approve the Proclamation for “Purple Up Day” was made by Theresa D’Andrea, seconded by Joseph Thomas and approved by general acclaim of Council.

**PROCLAMATION**

**PURPLE UP DAY**

**Whereas**, April is the “Month of the Military Child”. This month has been set aside to recognize the sacrifices children and youths of our military personnel make because when the parents serve in the military, their kids also serve in the military and,

**Whereas**, the color of purple is chosen because it represents all of the branches of the military services combined. The Army branch is green, the Air Force, Navy and Coast Guard branches are blue, and the Marine branch is Red; and

**Whereas**, these children and youths are sources of pride and honor to us all. It is fitting we take the time to recognize their contributions, celebrate, their spirit, and let our men and women in uniform know while they are taking care of us, we are taking care of their children and youths; and

**Whereas**, we are encouraging all Weatherly residents to display purple ribbons on their doors, porch railings, and windows. Also, we ask residents of Weatherly to wear purple on Thursday, April 15, 2021 to recognize and honor these military children and youths.

**Now, Therefore,** the Mayor and Borough Council of Weatherly, PA proclaim Thursday, April 15, 2021 as “Purple Up Day” in Weatherly and urge all residents to give recognition to the many Children and youths of the servicemen and women currently serving in the military.

Adopted by the Mayor and Borough Council the 29<sup>th</sup> day of March, 2021.

**6. Authorize Manager to put Painting of Tank 2 out to Bid.**

Mr. Pudliner asked Council to authorize him to put the painting of Tank 2 out to bid as soon as the engineers have the bid documents completed.

A motion to authorize the Borough Manager to put the Painting of Tank 2 out to bid when the bid documents are ready was made by Joseph Cyburt, seconded by Norman Richie and approved on a roll call vote:

Joseph Thomas	Yes	Jeffery Miller	Yes
Harold Farrow	Yes	Joseph Cyburt	Yes
Theresa D’Andrea	Yes	Norman Richie	Yes
	Paul Hadzick	Yes	

**7. Authorize Manager to put the Demolition of 1007A North Street out to Bid.**

Mr. Pudliner explained to Council that the Borough had taken the owner (Dennis Graham) to court to have the quad demolished or repaired. Because Mr. Graham did not take any action regarding the property, the Borough took Mr. Graham to court. The Borough now has a court order to give Mr. Graham 30 days to repair or demolition the property at 1007A North Street and to file a lien against the property for the cost of demolition including legal fees. Mr. Pudliner asked Council for authorization to put the demolition of this property out to bid if Mr. Graham does not take action within the 30 days, which Mr. Pudliner does not anticipate. Mr. Pudliner added that there are funds in the Home Program which can be used to demolish this property. He believed it would not cost over the \$21,300.00 threshold that requires advertised bids, however, if it does Mr. Pudliner will prepare the necessary advertisement and keep Council informed of the process.

A motion to authorize the Borough Manager to put the demolition of 1007A North Street out to bid was made by Theresa D’Andrea, seconded by Joseph Cyburt and approved on a roll call vote:

Jeffery Miller	Yes	Norman Richie	Yes
Joseph Thomas	Yes	Theresa D’Andrea	Yes
Harold Farrow	Yes	Joseph Cyburt	Yes
	Paul Hadzick	Yes	

**8. Approve Contract for Cell Tower Located in Park Parking Lot.**

Mr. Pudliner and Solicitor James Nanovic negotiated the best contract they felt they would be able to get from them.

A motion to approve the contract for the cell tower located in the park parking lot was made by Joseph Thomas, seconded by Norman Richie and approved on a roll call vote:

Norman Richie	Yes	Joseph Cyburt	Yes
Jeffery Miller	Yes	Harold Farrow	Yes
Joseph Thomas	Yes	Theresa D’Andrea	Yes
	Paul Hadzick	Yes	

**9. Authorize Manager to put 1997 GMC Bucket Truck out for Sale.**

Mr. Pudliner stated that now that we have received the new bucket truck, he would like to put the yellow 1997 bucket truck out for sale. He would like to hang on to the old bucket truck for tree trimming for maybe a month or two before selling it. He will contact another municipality because they had inquired months ago regarding purchasing it. He will ask them how much they are offering and let Council know. If it does not work with the other municipality, he will put it on Municibid along with the tan Police pickup truck.

A motion to authorize the Manager to put the 1997 GMC Bucket Truck out for sale was made by Norman Richie, seconded by Joseph Cyburt and approved by general acclaim of Council.

**10. Packer Township Proposal for Fire Protection.**

Mr. Pudliner provided Council with a copy of the proposal for the fire protection agreement from Packer Township. Mr. Pudliner and Solicitor Nanovic reviewed the proposal and felt there were two paragraphs that should be removed. He also stated that Council should also consider if they want payment from the beginning of the year or start it when they come to an agreement.

Mr. Nanovic stated that if Council is okay with the economics of the agreement, they can approve it if Packer Township agrees to take out the highlighted items in the agreement. Norman Richie stated that Packer Township residents have not been paying the same as Borough residents for years and he believes that the Packer Township residents should be paying the same as Borough residents. Joseph Thomas stated that Council suggested \$2,294.64 for each year for 3 years with no gradual increase. Joseph Cyburt said that he talked to some residents in Packer Township and they are understanding to this situation. Harold Farrow said they should show them no mercy. When we purchased the tanker, we asked them for help and they would not help pay for the tanker. The tanker was purchased for rural areas because it is not needed in the Borough because we have fire hydrants and the Packer Township residents should be paying the same as the Borough residents.

Mr. Pudliner asked Council if they wanted to make the payments retro-active and Joseph Thomas said no retro-active payments and start the payments with April, 2021.

Based on Council's reviews starting April 1, 2021, without any retro payment, also the portion that is underlined and the under part of the underlined portion (underlined areas can be found in the fire protection agreement which follows the voting results) should be removed from the contract was the motion made by Joseph Thomas, seconded by Harold Farrow and approved on a roll call vote:

Joseph Cyburt	Yes	Theresa D'Andrea	Yes
Harold Farrow	Yes	Joseph Thomas	Yes
Jeffery Miller	Yes	Norman Richie	Yes
	Paul Hadzick	Yes	

**FIRE PROTECTION AGREEMENT**

THIS AGREEMENT, made this\_\_ day of\_\_\_\_\_2021, between the Board of Supervisors of PACKER TOWNSHIP, Carbon County, Pennsylvania, a Municipal Corporation hereinafter called "Packer" and CITIZENS FIRE COMPANY, NO. 1, non-profit Association located in Weatherly, Pennsylvania, hereinafter called "Fire Company" and

WEATHERLY BOROUGH of Weatherly, Carbon County, Pennsylvania, a Municipal Corporation called "Weatherly Borough" as follows:

WHEREAS, the Fire Company is a non-profit association of citizen volunteers organized for the purpose of fighting fires; and,

WHEREAS, Weatherly Borough supports the Fire Company by purchasing worker's compensation insurance to cover the activities and the volunteers of the Fire Company; and,

WHEREAS, Packer wishes to obtain fire protection for its citizens and their property. NOW, THEREFORE, the parties intending to be legally bound, agree as follows:

1. The Fire Company agrees to respond to calls for assistance in Packer with its then available personnel and equipment for the purpose of controlling, extinguishing and/or preventing uncontrolled fires which pose a hazard to life and/or property.

2. Weatherly Borough agrees to extend its worker's compensation insurance which it maintains for the Fire Company to cover the activities of the Fire Company within Packer.

3. Packer agrees to indemnify and save harmless Weatherly Borough, the Fire Company and the agents, servants, members and employees of both from any and all claims, including costs, attorney fees and expenses relating thereto arising out of, touching or concerning any of the activities of the same rendered pursuant to this Agreement which exceed the applicable insurance limits of Weatherly Borough at the time of any such occurrence when responding to all calls within Packer limits. The obligation of Packer Township to indemnify and hold harmless Weatherly Borough, the Fire Company and its agents, servants, members and employees is limited to the extent of the insurance coverage available to Packer Township. Packer Township agrees to list Weatherly Borough and the Fire Company as additional insureds.

4. In consideration of the fire services above mentioned, Packer pledges to pay to the general fund of Weatherly Borough the following sums of money, payable in monthly installments, commencing January 1, 2021:

2021- \$1670.43 per month

2022 - \$1982.54 per month

2023 - \$2294.64 per month

The above sums are to help defray the expenses and costs to maintain the Fire Company, its equipment, building and personnel. The parties further agree that \$300 per month of these monies is intended to help pay for the purchase of the new fire truck for the Fire Company payable over the next twenty (20) years. In the event that the fire truck should be paid off prior to the aforesaid twenty (20) year period, Packer Township shall be notified of this pay-off and the parties shall be permitted to immediately re-negotiate the monthly payment to be made for fire protection by Packer Township to Weatherly Borough.

Further, The undersigned officials of the Borough of Weatherly and the Citizen's Fire Company No. 1 do hereby agree to save, indemnify and hold harmless Packer Township (Township), its supervisors, officers, employees and other officials, elected or appointed harmless from any responsibility or liability for any claims for any direct or consequential damage or injuries which may now or henceforth arise or be made with regard to the use of any fire equipment owned, operated and/or maintained by either Weatherly Borough (Weatherly) or the Citizen's Fire Company No. 1 (Citizen's) and further should any claim be made against Packer Township for any

action of either the Borough or Citizen's Fire Company No. 1 that the Borough of Weatherly and/or Citizen's Fire Company will pay the costs to defend same in full.

5. The amounts set forth above will be paid on a monthly basis without the necessity of the Borough providing a bill to Packer Township.

6. This agreement shall become effective on January 1, 2021 and shall continue for a period of three (3) years through December 31, 2023. The parties agree to begin meeting to discuss this Agreement in July of 2023 to arrive at a new Agreement for 2024 into the future.

IN WITNESS WHEREOF, the parties have, after proper resolution duly made, seconded and adopted at their respective regular meetings, caused their respective officers to set their hands and seals to this document on the dates set out below.

**ADJOURN:**

A motion to adjourn the meeting at 12:24 pm was made by Norman Richie, seconded by Joseph Cyburt.